

LAND USE COMMISSION  
STATE OF HAWAII

IN THE MATTER OF THE PETITION)  
BY TONY HASHIMOTO, A65-98 )

FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND DECISION

The above Petition to amend the Land Use District Boundaries from a Rural to an Urban classification having come on for hearing on November 5, 1965, at the Kahului Library Auditorium, Kahului, Maui, and the Land Use Commission having duly considered the evidence now finds and concludes as follows:

FINDINGS OF FACT

1. That the Petition as submitted contains approximately 32 acres of land situated at Kihei, Maui, Hawaii (TMK 3-9-01: 115), all of said lands being in the Rural District; and that the Petitioner, Tony Hashimoto, is the sole owner in fee of the entire parcel.
2. That the Petitioner proposes to subdivide and develop said lands for 10,000 square foot residential lots in order to serve the needs of hotel workers.
3. That roads, water service, electrical service, and telephone service are available in the area.
4. That small farms are not evident in the area, except for a few fruit trees in a lime orchard.

5. That the rocky nature of the land, coupled with the low rainfall in the area renders farm operations extremely difficult. Soils in the area are the Molokai or the Lahaina soil material with grazing as the primary agricultural activity supported by soils of these families.

6. That the site is approximately one mile from the Kihei Post Office and approximately 3/4-mile from the Kihei School. Access to the site is by means of Ohukai Road which extends from the main government road mauka to the subject lands.

7. That the subject lands are bounded by the Kihei Heights Subdivision within the Urban District to the north and by the Makai Heights Subdivision in the Rural District to the east. Lands to the south of the subject lands are presently classified as agricultural and lands to the west are within the Urban District with the exception of two small parcels which are in the Rural District.

8. That the development plan prepared for the County of Maui by the Planning and Traffic Commission of the County of Maui proposes that the lands under consideration be within the Agricultural District.

9. That approximately 3,450 acres in the Kihei area are presently districted as Urban, of which approximately 2,500 acres therein are relatively un-urbanized at present.

10. That lot sales at the adjacent Kihei Heights Subdivision have proceeded quite successfully with most of the lots sold. These lots are for residential purposes.

11. That lot sales at the Makai Heights Subdivision has progressed satisfactorily. These lots are 1/2-acre minimum size and districted for Rural use, as with the subject lands, involving residential or farming activities.

12. Mr. Tin Fook Tom, a landowner in Kihei, and Mr. Ben Miyahira, President of the Maui County Farm Bureau, have indicated their support of the Petition on the basis of the unsuitability of the area for agricultural purposes.

13. The Maui Planning and Traffic Commission has recommended approval of the Petition since the State Land Use Commission has already zoned the Ting Subdivision (Kihei Heights Subdivision) in the Urban District and it would be logical to have the subject parcel in the Urban District also, although both subdivisions are not proposed for urban use in the Maui County General Plan.

#### CONCLUSIONS OF LAW

1. That the Petitioner has failed to prove that the land is needed for use other than that for which it is classified. While there is evidence that said lands are not suited for agricultural pursuits, the present classification of Rural permits